

II-A

AN ORDINANCE GRANTING TO NEW ERA
ELECTRIC CO-OPERATIVE, INC., ITS
SUCCESSORS AND ASSIGNS, AN ELECTRIC
LIGHT, HEAT AND POWER FRANCHISE

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF PAYNE SPRINGS,
TEXAS:

Section 1: That there is hereby granted to NEW ERA ELECTRIC CO-OPERATIVE, INC., its successors and assigns (herein called the Grantee), the right, privilege and franchise until January 1, 2023, to construct, maintain and operate in the present and future streets, alleys, and public places of the Town of PAYNE SPRINGS, TEXAS, and its successors, electric light and power lines, with all necessary or desirable appurtenances (including underground conduits, poles, wires, transmission lines and other structures) for the purpose of supplying electricity to said Town, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power, and other purposes.

Section 2: Poles, structures and other appurtenances shall be so erected and maintained as not to interfere unreasonably with traffic over streets and alleys. The location of all poles, conduits and other structures shall be fixed under the supervision of the street and alley committee of the Town of PAYNE SPRINGS, TEXAS, or the successors to the duties of that committee, but not so as to interfere unreasonably with the proper operation of said lines.

Section 3: The service furnished hereunder to said Town and its inhabitants shall be first class in all respects considering all circumstances, and shall be subject to such reasonable rules and regulations as the Grantee may make from time to time. The Grantee may require reasonable security for the payment of its bills.

Section 4: The Grantee shall hold the Town harmless from all expense or liability for any act or neglect of the Grantee hereunder.

Section 5: That by the acceptance of this Franchise, NEW ERA ELECTRIC CO-OPERATIVE, INC. agrees that it will pay to the Town of PAYNE SPRINGS, TEXAS, on or before March 1, 1973, as street rental covering the period from the time of incorporation on September 30, 1972, to January 1, 1973, a sum equal to two per cent (2%) of its gross revenue received from the sale of electric energy by said company from its residential and commercial business conducted within the corporate limits of said Town for the time of incorporation up to January 1, 1973, and thereafter annually on or before March 1st of each year during the life of this franchise it will pay to the Town of PAYNE SPRINGS, TEXAS a sum equal to two per cent (2%) of its gross revenue received from the sale of electric energy by said company from the residential and commercial business conducted within the corporate limits of said Town during the preceding calendar year, which payments shall be in full payment for the privilege of using and occupying the streets, highways, easements, alleys, parks, and other public places in the Town of PAYNE SPRINGS, TEXAS, whether as rental, supervision and inspection charges, or otherwise. This payment shall be in lieu of any other tax or increased rate of tax or other imposition, assessment or charge, except ad valorem taxes.

Section 6: The Grantee shall file its written acceptance of this franchise within sixty (60) days after its passage and approval.

Section 7: This franchise is not exclusive, and nothing contained shall be construed so as to prevent the Town from granting other like or similar rights and privileges to any other person, firm or corporation.

PASSED AND APPROVED this 5 day of February, 1973.

C. Z. Thomas
MAYOR

ATTEST:

Mary Somell
Town Secretary

(Seal)